

REMARKS

In the application claims 4-9 remain pending. Claims 1-3 have been canceled without prejudice while claims 4-9 which have been added by amendment. Support for the claims as added is found in the specification, figures, and claims as originally filed. No new matter has been added.

All of the pending claims presently stand rejected. The reconsideration of the rejection of the claims is respectfully requested.

In the Office Action of October 5, 2004, originally filed claims 1-3 were rejected under 35 U.S.C. § 102 as being anticipated by Huang (U.S. Patent No. 5,953,707). In rejecting originally filed claims 1-3, the Office Action asserted that Huang disclosed, in Fig. 16, a decision support system for management of an agile supply chain; at Col. 18, lines 13-15, a Demand Management Frame which requires the participation of two modules, namely, a "Sales Forecasting and Planning ('SFP') module" and a "Market Data Analysis ('MDA') module;" and at Col. 24, lines 33-64, that the Demand Management Frame supplies forecast data, an FGIM module determines inventory requirements, and an APP module determines production requirements. Thus, the Office Action concluded that Huang anticipates originally filed claims 1-3.

In response, it is respectfully submitted that a rejection under 35 U.S.C. § 102 requires that each and every element set forth in the claims be found, either expressly or inherently, in the references being relied upon. To be "inherently" described in a prior art reference, the prior art reference "must make clear that the missing descriptive matter is necessarily present in the thing described and that it would be so recognized by persons of ordinary skill." Inherency "may not

be established by probabilities or possibilities.” The mere fact that a certain thing may result from a given set of circumstances is not sufficient.

Turning to Huang, it is respectfully submitted that Huang, which is directed to a system *for generating reports* to thereby provide “a decision support system for an agile supply chain,” fails to expressly or inherently disclose, teach, or suggest each and every element set forth in pending claims 4-9. In particular, it is submitted that the report generating system of Huang fails to disclose, teach, or suggest at least the claimed computer-readable media having computer-executable instructions which uses a critical stocking ratio for each of a plurality of items to allocate a total quantity of each of the plurality of items among a plurality of distribution points in a supply chain by assigning over a forecast period a base stock level for each of the plurality of items at each of the plurality of distribution points in the supply chain and a reorder point for each of the plurality of items at each of the plurality of distribution points in the supply chain and which then causes a replenishment method to be executed that creates orders for items at any of the plurality of distribution points in the supply chain that fail to have a base stock level for any of the plurality of items thereby causing inventory within the supply chain to be managed in accordance with the critical stocking ratio. Since Huang fails to disclose, teach, or suggest at least these claim elements, it is respectfully submitted that Huang neither anticipates nor renders obvious the invention recited in claims 4-9 and the rejection of the claims must be withdrawn.

CONCLUSION

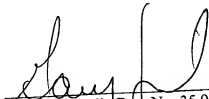
It is respectfully submitted that the application is in good and proper form for allowance. Such action of the part of the Examiner is respectfully requested. Should it be determined, however, that a telephone conference would expedite the prosecution of the subject application, the Examiner is respectfully requested to contact the attorney undersigned.

The Commissioner is authorized to charge any fee deficiency or credit overpayment to deposit account 50-2428 in the name of Greenberg Traurig.

Respectfully Submitted;

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By:



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